

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

JOSEPH HOUGH)
)
v.) NO. 2:05-CV-207
)
HOWARD CARLTON, Warden)

JUDGMENT ORDER

In accordance with the accompanying memorandum opinion, this *pro se* petition for a writ of habeas corpus, 28 U.S.C. § 2254, is **DISMISSED** as untimely. 28 U.S.C. § 2244(d)(1). The petitioner has sought issuance of an application for a certificate of appealability ("COA"). (Doc. 11, at 8).

The petitioner is entitled to a COA only upon making a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2). When a habeas petition is dismissed on procedural grounds without reaching the merits of the claims, "a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The petitioner has not made either showing and, therefore, for reasons stated in the opinion, he is **DENIED** issuance of a COA. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

Finally, the Court **CERTIFIES** that any appeal from this decision would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge

ENTERED AS A JUDGMENT
s/ Patricia L. McNutt
CLERK OF COURT